

## NEBRASKA ADMINISTRATIVE CODE

### TITLE 131 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

#### Chapter 10 – ELIGIBLE USE OF LINKED DEPOSIT FUNDS AND APPLICABILITY OF FEDERAL, STATE, AND LOCAL REQUIREMENTS

001 General Requirements. The Department may deposit a portion of the Wastewater Treatment Facilities Construction Loan Fund with eligible financial institutions to make loans with public or private entities for the construction, rehabilitation, and enhancement of nonpoint source control systems including onsite wastewater and private septic systems; local water protection projects, for best management practices for nutrient controls; and eligible nonpoint source activities under the Livestock Waste Management Act.

#### 002 Linked Deposit Project Eligibility

002.01 Eligible project costs. Linked deposit funding will be limited to the total costs deemed necessary, reasonable, and directly related to the construction, rehabilitation, repair, replacement, or enhancement of eligible projects or for the improvement, restoration, or protection of water quality and other practices that are shown to improve, restore, or protect water quality.

002.02 Land control requirement. Linked deposit borrowers must own or have legal control over the land for the nonpoint source control system project during the term period specified in the Linked Deposit Loan Contract.

002.03 Project maintenance and monitoring. Linked deposit borrowers are responsible for and must provide regular system maintenance and monitoring of the project for the life of the loan.

#### 003 Ineligible Project Costs

003.01 Linked deposit funds will not be made available for: costs of water rights, purchasing of land, easements, rights-of-way, legal costs, fiscal agent's fees, operation and maintenance costs, municipal or county administrative costs or any project that does not meet required federal, state, and local regulations.

003.02 Onsite Wastewater and Private Septic Systems. Linked deposit funds will not be made available for onsite wastewater and private septic system projects at facilities that have a connection to a publicly owned wastewater treatment works.

003.03 Livestock Waste Management Act Projects. Linked deposit funds will not be made available for:

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003.03A Animal feeding operations, as defined in Title 130 – Livestock Waste Control Regulations, that require a National Pollutant Discharge Elimination System permit;

003.03B Water pollution control facilities at animal feeding operations, including design, permitting, construction, financing, or other activities that would require the operation to obtain a National Pollutant Discharge Elimination System permit;

003.03C Costs for operation and maintenance; and

003.03D Refinancing of completed projects.

003.04 Local Water Protection Projects. Funding for water quality projects, where the primary purpose is not water quality protection or improvement, will be limited to the portion of the project that is directly related to water quality improvement, restoration, or protection.

Enabling Legislation: Neb. Rev. Stat. §81-15,148; §§81-15,151 to 81-15,153

Legal Citation: Title 131, Ch. 10, Nebraska Department of Environmental Quality